

Before the
Federal Communications Commission
Washington, D.C. 20554

MM Docket No. 93-99

In the Matter of

Amendment of Section 73.202(b), RM-8202
Table of Allotments, RM-8304
FM Broadcast Stations.
(Ashland, Moberly,
Monroe City, Rolla and
Wheeling, Missouri)¹

REPORT AND ORDER
(Proceeding Terminated)

Adopted: June 15, 1994;

Released: June 28, 1994

By the Acting Chief, Allocations Branch:

1. In response to a petition filed by FM 105, Inc. ("petitioner"), the Commission has before it for consideration the *Notice of Proposed Rule Making*, 8 FCC Rcd 2745 (1993), seeking the substitution of Channel 288C2 for Channel 288C3 at Moberly, Missouri. Petitioner also requested modification of its license for Station KZZT(FM), Channel 288C3, to specify operation on Channel 288C2. Petitioner and Bick Broadcasting, Inc. ("Bick Broadcasting"), filed comments. Sobocomo Radio, Inc. ("Sobocomo") filed a counterproposal.² Petitioner and Sobocomo filed reply comments. Informal comments were filed by Town and Country Communications, Inc.³

2. Bick Broadcasting, licensee of Station KXXKX, Knob Noster, Missouri, does not object to the proposed upgrade at Moberly provided the transmitter location for Channel 288C2, Moberly, provides full spacing to Station KXXKX.

¹ The communities of Ashland, Rolla, Monroe City and Wheeling, Missouri, have been added to the caption.

² Public notice of the counterproposal was given on August 2, 1993 (RM-8304), Report No. 1957. Sobocomo, permittee of FM Channel 291C2, Station KBXR, Ashland, Missouri, counterproposed the substitution of Channel 291C1 for Channel 291C2 at Ashland. To accommodate the upgrade at Ashland, Sobocomo also requested the substitution of Channel 276C3 for Channel 292A at Rolla, Missouri, substitution of Channel 298A for Channel 292A at Monroe City, Missouri, and the change of reference coordinates for Channel 290A at Wheeling, Missouri. The Public Notice also requested that competing expressions of interest in the use of Channel 276C3 at Rolla, Missouri, be submitted within 15 days of the date of the public notice. Sobocomo filed a similar counterproposal in MM Docket 91-181 which was denied in the *Report and Order* in that proceeding. See 8 FCC Rcd 1799 (1993). Sobocomo filed a petition for reconsideration of that decision which was put on public notice on May 27, 1993 (Report No. 1943). On May 2, 1994, a *Memo-randum Opinion and Order* was adopted granting Sobocomo's request for substitution of Channel 291C1 for Channel 291C2 at

Bick notes that although Station KXXKX currently operates on Channel 289C3, it has been modified to operate on Channel 289C2. See 7 FCC Rcd 7283 (1992).

3. In reply comments, petitioner continues to support the allotment of Channel 288C2 at Moberly. Petitioner contends that Bick Broadcasting's concerns are premature. No short spacing currently exists between proposed Channel 288C2 at Moberly and Channel 289C2 at Knob Noster and that the *Notice* expressly stated that protection would be afforded to Station KXXKX at Knob Noster. Petitioner notes that it will file a modification application for Channel 288C2 in full compliance with the Commission's spacing requirements.

4. We believe the public interest would be served by the substitution of Channel 288C2 for Channel 288C3 at Moberly, Missouri, since it would provide expanded FM service to the community. The substitution can be made in compliance with the Commission's spacing requirements at petitioner's specified site.⁴ In addition, we have authorized a modification of the license for Station KZZT(FM), Moberly, Missouri, to specify operation on Channel 288C2 in accordance with Section 1.420(g) of the Commission's Rules.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective August 11, 1994, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, to read as follows:

Community	Channel No.
Moberly, Missouri	247C3, 284C, 288C2

6. IT IS FURTHER ORDERED, pursuant to the authority contained in Section 316 of the Communications Act of 1934, as amended, that the license of Station KZZT(FM), Channel 288C3, Moberly, Missouri, IS MODIFIED to specify operation on Channel 288C2, subject to the following conditions:

Ashland, substitution of Channel 248A for Channel 292A at Rolla, Missouri, and substitution of Channel 298A for Channel 292A at Monroe City, Missouri. With the resolution of Sobocomo's petition for reconsideration in MM Docket 91-181, the counterproposal filed by Sobocomo in this proceeding is moot. Therefore, no further consideration will be given to Sobocomo's counterproposal. Accordingly, comments filed in response to the counterproposal need not be considered.

³ The comments of Town and Country Communications, Inc. were not served on the petitioner, in violation of Section 1.420(c) of the Commission's Rules, and therefore they have not been accepted for consideration.

⁴ The coordinates for Channel 288C2 at Moberly are 39-25-45 and 92-22-49. Although the *Notice* indicated that grant of a license for Channel 288C2 at Moberly, at the above site, could be withheld because of a short spacing to Channel 288A, Station KXXKX, Knob Noster, Missouri, Station KXXKX is now licensed on Channel 289C3 at a site that is fully spaced to Channel 288C2, Moberly. Further, Station KXXKX has a construction permit for Channel 289C2 that also is fully spaced to Channel 288C2 at Moberly.

(a) Within 90 days of the effective date of this *Order*, the licensee shall file with the Commission a minor change application for construction permit (Form 301), specifying the new facility.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

7. IT IS FURTHER ORDERED, That the counterproposal filed by Sobocomo Radio, Inc. (RM-8304) IS DISMISSED.

8. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, FM 105, Inc., licensee of Station KZZT(FM), is required to submit a rule making fee in addition to the fee required for the applications to effect the upgrade.

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Acting Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau